

**LUMPKIN COUNTY
BOARD OF COMMISSIONERS**
Special Called Meeting
AGENDA

Lumpkin County Courthouse
Conference Room
Dahlonega, Georgia
July 28, 2005
2:00 P.M.

I. CALL TO ORDER

Chairman Gooch

II. APPROVAL OF AGENDA

III. NEW BUSINESS

- Yahoola Creek Reservoir
- Home Depot Project
- Business License
- ARC Grant Application

IV. ANNOUNCEMENTS

Future Board Meetings:

- Board Work Session – City Hall
- Board Meeting – Park & Rec. Community Center
- Board Work Session – City Hall
- Board Meeting – City Hall

Aug 4th, 2005 at 9:00 a.m.
Aug 16th, 2005 at 9:00 a.m.
Sep 1st, 2005 at 9:00 a.m.
Sep 15th, 2005 at 6:00 p.m.

V. ADJOURN

Chairman Gooch

**MINUTES OF THE SPECIAL CALLED MEETING OF THE
LUMPKIN COUNTY BOARD OF COMMISSIONERS**

July 28, 2005

CALL TO ORDER

The special called meeting was called to order by Chairman Gooch at 2:05 p.m. Commissioners present were Stephen Gooch, John Raber, Deborah Hutcheson, Clarence Stowers, and Marvin Martin.

AGENDA

A motion was made by John Raber to approve the agenda. The motion was seconded by Marvin Martin and approved by all district commissioners present.

NEW BUSINESS

YAHOOOLA CREEK RESERVOIR

The board discussed each of the issues outlined in the final draft of the City of Dahlonega proposal for purchase of the Yahooola Reservoir dated July 28, 2005. A copy of this proposal is attached to these minutes.

Citizens and City Council Members Guy Laboa and Dudley Owens were in attendance at the meeting to answer questions from the board regarding the July 28, 2005 proposal.

A motion was made by Deborah Hutcheson to hold a joint meeting with the City Council to discuss the Yahooola Creek Reservoir. This motion did not receive a second.

A motion was made by John Raber to use a portion of the Special Purpose Local Option Sales Tax to pay for a new water treatment plant, if said SPLOST is approved by the voters in a referendum. This motion was seconded by Deborah Hutcheson and approved by all district commissioners present.

Chairman Gooch called for a break from 4:00 p.m. to 4:15 p.m.

BUSINESS LICENSE

A motion was made by Marvin Martin to allow off premises businesses to be issued a business license. This motion was seconded by Clarence Stowers and approved by all district commissioners present.

At 5:00 p.m. Chairman Gooch asked to be excused and turn the meeting over to Vice Chairman Hutcheson.

A motion was made by John Raber to ask Mr. Terry Kimbrell the owner of the salvage yard located at Hwy. 115 and Post White Hill Road to produce documentation that he has done business in the county. This motion was seconded by Marvin Martin and approved by Commissioners Martin, Raber, and Stowers.

John Raber made a motion those businesses with prior licenses that have not renewed be required to pay back fees and penalties to make their license current. This motion was seconded by Marvin Martin and approved by Commissioners Martin, Raber, and Stowers.

County Manager Stan Kelley said he had received a request from the City of Dahlonega for a copy in writing of the motion regarding Yahooola Creek Reservoir Proposal. Vice Chairman Hutcheson and County Attorney Horne agreed to meet in work session to prepare this response.

Vice Chairman Hutcheson ask for a motion at 5:30 p.m. to adjourn this session until 4:00 p.m., Friday, July 29, 2005. A motion was made by John Raber to adjourn this session until 4:00 p.m., Friday, July 29, 2005. This motion was seconded by Clarence Stowers and approved by Commissioners Martin, Raber, and Stowers.

CALL TO ORDER

Chairman Gooch called the special called meeting back to order at 4:05 p.m., Friday, July 29, 2005. Commissioners present were Stephen Gooch, John Raber, Deborah Hutcheson, Clarence Stowers, and Marvin Martin.

A motion was made by John Raber to resume the session adjourned at 5:30 p.m. on July 28, 2005. This motion was seconded by Deborah Hutcheson and approved by all district commissioners present.

HOME DEPOT

The board discussed a letter that had been received from Maxwell Properties regarding the new Home Depot project. A copy of this letter is attached to these minutes.

Marvin Martin made a motion agreeing to the terms of items 1 through 3 based on submission of a landscape plan within thirty (30) days. This motion was seconded by John Raber and approved by all district commissioners present.

YAHOOOLA CREEK RESERVOIR

A motion was made by Marvin Martin that the City of Dahlonega manage the reservoir and dam. This motion was seconded by John Raber and approved by all district commissioners present.

A motion was made by John Raber to increase the city allotment for water withdrawal from the reservoir by 375 thousand gallons per day. This motion did not receive a second.

The board decided to hold a Special Called Meeting at 4:00 p.m., Monday, August 1, 2005 to discuss the Yahoola Creek Reservoir.

ARC GRANT APPLICATION

Chairman Gooch gave a brief summary of the purpose and benefits of the ARC Grant for the Lumpkin County-Dawson County Water Interconnect Project. If approved this grant will require a county match of \$394,000.00 from each county.

A motion was made by Marvin Martin to apply for the ARC Grant. This motion was seconded by Clarence Stowers and approved by all district commissioners present.

OTHER ITEMS

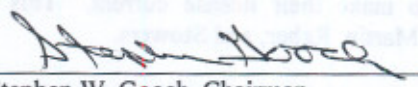
A motion was made by Marvin Martin to approve a one-year contract with Teresia L. Satterfield in the amount of \$2,253.00 per month for the cleaning of the Lumpkin County Courthouse, Annex A and Annex B buildings. This motion was seconded by John Raber and approved by all district commissioners present.

ADJOURN

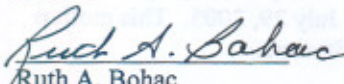
Chairman Gooch called for a motion to adjourn at 5:07 p.m., July 29, 2005. The motion to adjourn was made by Deborah Hutcheson and seconded by John Raber and approved by all district commissioners present.

9-15-2005

Date


Stephen W. Gooch, Chairman
Lumpkin County Board of Commissioners

Attest:


Ruth A. Bohac
Clerk, Lumpkin County



OFFICE OF MAYOR

July 28, 2005

Hon. Steve Gooch, Chairman
Lumpkin County Commission
Courthouse Hill
Dahlonega, Georgia 30533

Via Hand Delivery

Re: Final Draft of City of Dahlonega Proposal for Purchase of the Yahoola Reservoir

Dear Chairman Gooch:

Attached is the City's Final Draft Proposal for your consideration. This is being provided to you for your review prior to and during your meeting today. We have scheduled a meeting at 4:30 p.m. today for the City Council as well for ratification of the draft. Also a representative of the Council will be at your meeting today to answer any questions about our proposal.

Sincerely,

Gary McCullough, Mayor

**CITY OF DAHLONEGA
PROPOSAL NUMBER II**

7/28/05

FINAL DRAFT

ISSUES	CITY	COUNTY
#1 WATER ALLOCATION: 4.2MGD	1.5mgd current EPD Permit 2.1mgd additional	2.1 mgd
#2 "PARK" PROPERTY OWNERSHIP: APPROXIMATELY 220 AC.	0%	\$2,825,000
#3 SOURCE OF FUNDS FOR DEBT SERVICE FOR RESERVOIR AND PARK LAND	General Fund	General Fund & Unincorporated District
#4 OWNERSHIP OF RESERVOIR: CITY 61%/COUNTY 39%	\$6,631,579 [\$5,250,000 = Res. \$1,381,579 = 750,000gd]	\$3,868,421
#5 WATER TREATMENT PLANT OWNERSHIP	100% CITY SPLOST AND W&S REVENUES	0%
#6 COST OF LAND FOR TREATMENT PLANT: ALL LAND LOCATED ON MAP#078 PARCEL # 107	50 +/- acre @ \$13,500/ac = \$675,000	0%
#7 DEBT SERVICE OBLIGATION: \$14,000,000.00	\$7,306,579	\$6,693,421

1

- Dahlonega holds a 1.5mgd withdrawal permit. This permit is an Amended .5mgd permit from the 1950's, amended to 1mgd in the 1980's and amended to 1.5mgd in the 1990's.
- We want to retain that permit and are, of course willing to pay for that portion of the reservoir that it represents. Initial engineering and construction documents were based on erroneous engineering estimates showing 10mgd of water from the reservoir.
- When the re-calculation showed only 5.7mgd would be the yield, which, by the way is inclusive of the city's 1.5mgd, the city stood to lose .75mgd with the 50-50 division.
- We do not feel we are acting responsibly nor is it in the best interest of our citizens to agree to give up this asset. Those involved in this project from the beginning, elected officials, staff, and consultants agree that for the city to make the financial commitment it will make and reduce its water supply would not be prudent.

(Continued on Following Page)

2&7

- As you have proposed in option "b", Lumpkin County would create a special tax district to exclude the property in the incorporated areas of the County from the debt service for the reservoir only.
- Debt service for the "park" property would be assessed to all properties in the incorporated as well as the unincorporated areas of the County.
- As to any sale of park property, excess funds after the debt on the park property is retired, will be distributed between the City and County based on each governments percentage of the county's total tax digest.

4

- City and Lumpkin County will work together to determine operation and management of reservoir and to determine method of funding.
- Funding for O&M of the reservoir could come from charging a small fee to the parties either for the water withdrawn or for the water allocated to each on an annual basis adjusted as necessary to cover the cost of reservoir operations.
- City would be willing to consider a contract with Lumpkin County for the City to manage the reservoir or the parties could consider a contract with a private company.

5

- City would build and own water treatment plant. Treatment capacity would be reserved in the plant for Lumpkin County.
- Fee for reserved capacity would be determined by the prorated sum of the capital and construction cost of the plant.
- County will cooperate with City to allow City to include in the next, and subsequent SPLOST referendums, a request for funding to help pay for the water treatment plant. The amount of funding requested will be no less than a percentage equal to that of the City population to Lumpkin County's population.
- Funding would be available only if approved in the referendum.
- The normal and accepted method for calculating cost in utility systems operations will be used to calculate water treatment costs.
- Cost of water treatment would be determined by the actual cost of treating the water for distribution into the system plus a component for capital improvements.

MAXWELL PROPERTIES INCORPORATED

AUG 11 2005

DOX

17 SANDY SPRINGS CIRCLE
LANTA, GEORGIA 30328
404.255.3001 FAX 404.255.3382

July 28, 2005

Dahlonega Board of Commissioners
99 Courthouse Hill
Suite A
Dahlonega, GA 30533

Re: Dahlonega Home Depot Sitework

Dear Commissioners,

I am asking that you review the items listed below and allow me to continue the construction of the Home Depot Sitework as planned and presented in the Civil Drawings that were first submitted on December 6, 2004. At that time I understood that the State would be required to review and approve Erosion Control Plans and as there was no staff to review and approve a project of this size, the County would rely on the Civil Engineer of Record to stamp the drawings and provide monthly Certification of the Site Improvements being made.

The site was designed using good engineering practices and as directed by Home Depots Guidelines that are conservative to say the least. From the beginning of the project until now, the following items have surfaced, each potentially creating a hardship that I hope the Commissioners will be able to resolve in short order. I have been trying to obtain the balance of my Land Disturbance Permit for almost 8 months and while I understand Lumpkin County is having growing pains, I need closure. At this point there is not time to apply for variances, nor do I want to open up the project to public input at this late date. I have until August 22, 2005 to provide Home Depot with a site they can begin construction on, including grading, curb and gutter and the binder paving on some drives and parking areas. The items below could greatly affect this deadline.

The issues that need resolution are as follows:

1) I understand that the County does not want to accept the main drive as a County Road. If they did accept it as a County Road there are building setback distances that I cannot meet. All access to this property is by driveway cuts that have been approved by State DOT. The common driveways are built to the standards submitted in my Civil Drawings and meet Home Depots requirements for the heavy truck traffic they generate. That being said, I have outparcels that access driveways and/or a State Road thru a (REA) Reciprocal Easement Agreement that takes into account different owners of property (and the public) being able to have access rights to and through all other parcels in the development to County and State Roads. This is very typical of a larger shopping center and you will see this approach more and more as your County grows. That being the case my out lots do not have nor can they have direct individual access to a County or State road. I would ask that my REA be an acceptable document to allow the site plan to remain as it is.

LEASING
MANAGEMENT
CONSTRUCTION
BROKERAGE

2) My parking count for this shopping center was based on Home Depot requirements and Lumpkin County's Land Use Code Chapter 6 Section 602 table 6.1. Based on our original analysis we eliminated the garden center plus 20% of the other 129,486 s.f. as allowed by code for utility rooms and hallways as allowed by code to show a required parking count of 414. We have provided 534 spaces allowing 120 spaces for any restaurants we may have. We feel this is reasonable and ask that it be accepted.

3) County requirements call for a parking space size of 9'x 20'. Our spaces are 9'x19' with a 25' aisle width per Home Depot requirements. Home Depot will not reduce their aisle width to the standard 24' width and even then I cannot meet the 20' length, as I have no additional land to expand onto. I am asking the Commissioners to allow the 9'x19' spaces to remain.

4) I ask that a full Land Disturbance Permit be presented to me from the County based on the changes I have already made do to County comments over the last few months and let me complete my work so that Home Depot can begin construction and I can concentrate on getting the retail building drawings in for permit and construction.

I appreciate the time you have taken to review and address my concerns and will be glad to meet with you at any time.

Yours Truly,



Gary A. Wert

Vice President